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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,754	02/15/2002	Wilfred Lerch	Az. 2964	7497
30996	7590 04/15/2003			
ROBERT W. BECKER & ASSOCIATES 707 HIGHWAY 66 EAST SUITE B			EXAMINER	
			MALDONADO, JULIO J	
TIJERAS, NN	4 87059		ART UNIT	PAPER NUMBER
			2823	
			DATE MAILED: 04/15/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

## **Advisory Action**

Application No.	Applicant(s)	
09/980,754	LERCH ET AL.	,
Examiner	 Art Unit	
Julio J. Maldonado	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Contir Examination (RCE) in compliance with 37 CFR 1.114.	nued
PERIOD FOR REPLY [check either a) or b)]	
a) The period for reply expires 2 months from the mailing date of the final rejection.	
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whicheve no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See N 706.07(f).	
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, a timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	e extension action; or
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.	
2. The proposed amendment(s) will not be entered because:	
(a) X they raise new issues that would require further consideration and/or search (see NOTE below);	
(b) ☐ they raise the issue of new matter (see Note below);	
(c)  they are not deemed to place the application in better form for appeal by materially reducing or simplify issues for appeal; and/or	ing the
(d) they present additional claims without canceling a corresponding number of finally rejected claims.	
NOTE: <u>See Continuation Sheet</u> .	
3. Applicant's reply has overcome the following rejection(s):	
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amer canceling the non-allowable claim(s).	ndment
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place application in condition for allowance because:	ce the
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were new raised by the Examiner in the final rejection.	/ly
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and a explanation of how the new or amended claims would be rejected is provided below or appended.	n
The status of the claim(s) is (or will be) as follows:	
Claim(s) allowed:	
Claim(s) objected to:	
Claim(s) rejected: <u>28-49</u> .	
Claim(s) withdrawn from consideration:	
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner	
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	
10. Other: George Fours	ccfrz
Primary Exami	ner





Continuation of 2. NOTE: The amendment filed 04/09/2003 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because: the proposed amendment raises new issues that would require further consideration and/or search. The amended independent claims now add the limitation "...subjecting said semiconductor material to a treatment protocol comprising a preliminary step and a later step which occurs after the preliminary step, the preliminary step including...such that the subsequent concentration and diffusion of foreign atoms within said semiconductor material are influenced by the newly created respective concentration or distribution of defects or vacancies in said semiconductor material...the later step of the treatment protocol including...said....material...material at a location on said surface of said semiconductor material at which a natural SiO2 layer has previously been removed prior to the thermal treatment of said semiconductor material..." where there was no mention within the claims of this limitation. While this places the application in better condition for allowance, it raises new issues into the prosecution of the instant application and would thus provide grounds for a new search..

The newly added claim 50 raises new issues that would require further consideration and/or search.